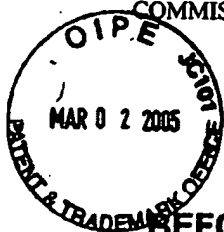


I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: Mail Stop Appeal Brief - Patents, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450



Date: 28 Feb 2005

Gary J. Pitzer

MM/3738
ITW

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application

Applicant: Shlomo Gabbay Art Unit: 3738
Serial No.: 09/973,609 Examiner: B. Pellegrino
Filed: October 9, 2001
Title: IMPLANTATION SYSTEM FOR IMPLANTATION OF A HEART
VALVE PROSTHESIS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

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Following the Examiner's Answer dated December 28, 2004, Appellant presents this Reply Brief, filed in triplicate.

1. Claims on Appeal:

In number paragraph 11 under the heading "Response to Argument," the Examiner states that "applicant does not discuss the references applied against claims 20 through 28, 49 explain how the claims avoid the references or distinguish from them." As set forth in the issues paragraph and grouping of claims set forth in


Appellant's Appeal Brief does not argue against the references individually (see, e.g., page 20-22 of Appellant's Appeal Brief), as asserted in the Examiner's Answer. Instead, structural taught by the respective references are discussed in a manner to explain that there is not proper motivation to combine the teachings. For example, the Examiner's Answer contends that the Del Toro patent is utilized as a teaching to support incorporating a handle on the catheter system of Bessler et al. As stated in Appellant's Appeal Brief, since Del Toro does not teach a handle, but is instead discloses a manifold stabilizer (40) that is employed to space apart an outer shaft (32) from an inner shaft (36), there is no teaching, suggestion or motivation to incorporate a handle in the catheter system of Bessler et al., as suggested in the Examiner's Answer.

For the reasons stated above, the rejection of claims 2 through 19, 28, 50 and 53 through 57 should be reversed.

Please charge any deficiency or credit any overpayment in the fees for this Appeal Brief to Deposit Account No. 20-0090.

Respectfully submitted,

By:


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